

EXHIBIT B

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October 3, 2023

VIA E-MAIL

Brandon D. Fox, Esquire
Jenner & Block LLP
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Re: Dr. Lusk and Dr. Armstrong

Dear Brandon,

I write in response to your October 2, 2023 letter regarding Plaintiffs' intention to call Dr. Jayson Lusk as a witness to rebut the anticipated testimony of Dr. Jeffrey Armstrong. As you know, Dr. Armstrong, who served as chair of the Scientific Advisory Committee on Animal Welfare during most of the relevant time period, was deposed by Plaintiffs in 2014 and testified at trial twice, once in 2018 and again in 2019. Dr. Armstrong's anticipated testimony in the upcoming trial will be consistent with his prior testimony in both scope and substance, and Defendants refer Plaintiffs to that prior testimony in response to their request for a statement of the testimony Defendants expect Dr. Armstrong to offer at trial and the bases for that testimony. With this understanding, Defendants reiterate their request for an updated disclosure of Dr. Lusk's opinions. As explained in my prior letter, Defendants believe that several of the opinions set forth in Dr. Lusk's rebuttal report will be inadmissible in the upcoming trial because they are (i) outside the scope of Dr. Armstrong's anticipated testimony, (ii) outside the scope of evidence the Court has deemed relevant and/or proper for an expert, and/or (iii) outside the scope of Dr. Lusk's expertise. Defendants request this clarification by tomorrow, October 4, in light of Judge Seeger's request that counsel tee up any remaining expert issues by Friday, October 6.

Sincerely,

A handwritten signature in black ink that reads "Robin P. Sumner".

Robin P. Sumner

cc: Angela Allen, Esq.
Defense Counsel